

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

10X GENOMICS, INC. and PROGNOSYS
BIOSCIENCES, INC.,
Plaintiffs,

v.

BRUKER SPATIAL BIOLOGY, INC. AND
BRUKER NANO, INC.,
Defendants.

10X GENOMICS, INC. and PRESIDENT AND
FELLOWS OF HARVARD COLLEGE,
Plaintiffs,

v.

BRUKER SPATIAL BIOLOGY, INC. AND
BRUKER NANO, INC.,
Defendants.

BRUKER SPATIAL BIOLOGY, INC. AND
BRUKER NANO, INC.,
Plaintiffs,

v.

10X GENOMICS, INC.,
Defendant.

C.A. No. 21-653-MFK

PUBLIC REDACTED VERSION

C.A. No. 22-261-MFK

PUBLIC REDACTED VERSION

C.A. No. 22-1375-MFK

PUBLIC REDACTED VERSION

**DECLARATION OF STEFANI SMITH IN SUPPORT OF
THE PARTIES' JOINT STATUS REPORT**

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Dated: June 7, 2024

Attorneys for Plaintiffs

I, Stefani Smith, hereby declare as follows:

1. I am an attorney at the law firm of Tensegrity Law Group LLP, counsel of record for Plaintiffs 10x Genomics, Inc. and Prognosys Biosciences, Inc. in the above captioned matter. I am an attorney in good standing licensed to practice in the State of California. I have been admitted to practice *pro hac vice* before this Court. I offer this declaration in support of the parties' Joint Status Report.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the Delaware Department of State: Division of Corporations webpage regarding the April 11, 2024, Bruker Spatial Biology, Inc.'s incorporation in Delaware.

3. Attached hereto as **Exhibit 2** is a true and correct copy of Case 24-10160, ECF 470-1, Purchase Agreement between NanoString Technologies, Inc., and Bruker Corporation, executed April 17, 2024, and filed April 19, 2024.

4. Attached hereto as **Exhibit 3** is a true and correct copy of Case 24-10160, ECF 458, Notice of Successful Bidder, filed April 17, 2024.

5. Attached hereto as **Exhibit 4** is a true and correct copy of Case 24-10160, ECF 465, Declaration of Mark R. Munch in Support of the Proposed Order (A) Approving Asset Purchase Agreement, (B) Approving the Sale of the Debtors' Assets Free and Clear of Liens, Claims, Interests, and Encumbrances, (C) Approving the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, and (D) Granting Related Relief, dated and filed April 18, 2024.

6. Attached hereto as **Exhibit 5** is a true and correct copy of Case 24-10160, ECF 470, Order (A) Approving Asset Purchase Agreement, (B) Approving the Sale of the Debtors' Assets Free and Clear of Liens, Claims, Interest, and Encumbrances, (C) Approving the Assumption and

Assignment of Certain Executory Contracts and Unexpired Leases, and (D) Granting Related Relief, dated and filed April 19, 2024.

7. Attached hereto as **Exhibit 6** is a true and correct copy of Bruker Press Release, "Bruker Completes Asset Acquisition of NanoString Business," dated May 6, 2024.

8. Attached hereto as **Exhibit 7** is a true and correct copy of an email thread with top entry dated April 17, 2024, from B. Feldman to B. Rosen, D. Sinclair, and R. Strickland.

9. Attached hereto as **Exhibit 8** is a true and correct copy of Bruker Corp.'s 10-Q, dated March 31, 2024.

10. Attached hereto as **Exhibit 9** is a true and correct copy of an email thread with top entry dated May 23, 2024, from E. Reines to R. Gerrity and K. White.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 7, 2024, in Danville, CA.

Dated: June 7, 2024

/s/ Stefani Smith

Stefani Smith

CERTIFICATE OF SERVICE

PLEASE TAKE NOTICE that on June 7, 2024, a true and correct copy of the foregoing was caused to be served on the following counsel via electronic mail:

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